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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,526	06/21/2001	Peter V. Boesen	P05193US0	6405
22885	7590	09/15/2004	EXAMINER	
MCKEE, VOORHEES & SEASE, P.L.C.			BUI, BING Q	
801 GRAND AVENUE			ART UNIT	
SUITE 3200			PAPER NUMBER	
DES MOINES, IA 50309-2721			2642	

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/886,526

### Applicant(s)

BOESEN, PETER V.

### Examiner

Bing Q Bui

### Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Feb 26, 2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-6 are pending in the application for examination.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: the term "ratio" on line 16 should be deleted and replaced with "radio". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Heinonen et al (US Pat No. 6,418,326).

Regarding claim 1, Heinonen et al teach a handheld personal communications device capable of simultaneous wireless voice communications and wireless data communications comprising:

a housing (see Figs 1 that corresponding to the handheld personal communications device "1" in Fig 6 and col. 4, lns 21-46);

a first wireless radio transceiver disposed within the housing for operative voice communication across a first communications channel (see Figs 1, element "RF" and col. 4, Ins 21-46);

a second wireless radio transceiver disposed within the housing for operative data communication across a second communications channel (see Figs 1, element "IR" and col. 11; Ins 1-10);

a sensor operatively connected to the first wireless radio transceiver for transducing voice sound information (see Figs 1, element "11" and col. 4, Ins 21-46);

a speaker operatively connected to the first wireless radio transceiver for producing voice sound information (see Figs 1, element "9" and col. 4, Ins 21-46);

an intelligent control operatively connected to the second wireless radio transceiver for sending and receiving data (see Figs 1, elements "MCU" and "RF" and col. 4, Ins 21-46); and

a display operatively connected to the processor capable of displaying a visual representation of data received over the second wireless transceiver (see Figs 1, element "7" and col. 4, Ins 21-46).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent et al (US Pat No. 5,896,375) in view of Kanbara et al (US Pat No. 6,516,201); herein after referred as Dent and Kanbara.

Regarding claim 2, Dent teaches a method for providing wireless voice communication service and wireless data communications service to handheld personal communications device comprising:

providing wireless voice communications service to a first line (e.g., voice link) of the handheld personal communications device such as a cellular (see col. 3, In 51-col. 4, In 14);

simultaneously providing wireless data communications service to a second line (e.g., packet data link) of the handheld personal communications device (see col. 3, In 51-col. 4, In 14).

Dent fails to teach the method of:

charging for the voice communications service; and

charging for the data communications service.

However, Kanbara teaches that a user using both voice and data communication service can be charged for voice communication and data communication separately (see col. 5, In 66-col. 6, In 16). Therefore, integrating Kanbara's teachings into communication system of Dent would have been obvious because the voice service and data service may be provided by two different service providers .

Art Unit: 2642

Regarding claim 3, Dent teaches the method of claim 2, wherein the wireless voice communications service is selected from the set comprising PCS, CDPD, AMPS, and GSM (see col. 3, ln 51-col. 4, ln 14).

Regarding claim 4, Dent teaches the method of claim 2, wherein the wireless data communications service is selected from the set comprising TCP/IP and WAP (see col. 3, ln 51-col. 4, ln 14).

Regarding claim 5, Dent teaches the method of claim 2, wherein the first line is provided by a first wireless transceiver and the second line is provided by a second wireless transceiver (see col. 3, ln 51-col. 4, ln 14).

Regarding claim 6, Dent teaches the method of claim 2, wherein the first line is provided by a first channel and the second line is provided by a second channel (see col. 3, ln 51-col. 4, ln 14).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 5,046,130

U.S. Pat. No. 6,377,818

U.S. Pat. No. 6,427,078

U.S. Pat. No. 6,633,759

U.S. Pat. No. 6,658,254

U.S. Pat. No. 6,788,332

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858.

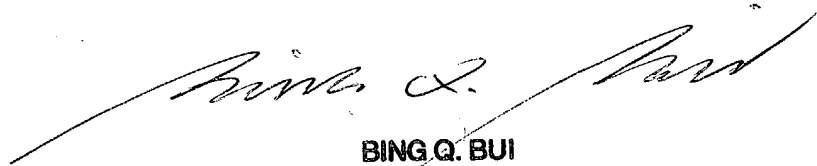
The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

EXPEDITED PROCEDURE ) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Sep 11, 2004



**BING Q. BUI**  
**PRIMARY EXAMINER**